

U.S. DISTRICT COURT  
★ JUL 29 2005

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

PM. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

THEODORE KING and GARY LA BARBERA, Index No. CV-03-4843(ARR)(CLP),

Plaintiffs,

-against-

**STIPULATION  
DISCONTINUING ACTION  
WITH PREJUDICE**

MARBLE UNLIMITED INC.,

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of this action, the above entitled action be, and the same hereby is discontinued with prejudice solely as to the claims for: (1) contributions, late charges, legal fees, costs and liquidated damages due on audit 03-0094 covering the period of January 1, 2001 through February 26, 2002, and (2) contributions, late charges, legal fees, costs and liquidated damages due on audit 04-0104 covering the period of February 27, 2002 through March 31, 2003, (the claims).

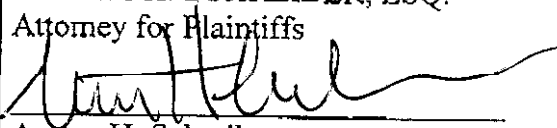
IT IS FURTHER STIPULATED AND AGREED, that the said claims are deemed satisfied in full and that no further claims shall be made with regard to these claims against any party, whether or not a party to this action.

IT IS FURTHER STIPULATED AND AGREED, THAT this stipulation covers no other claims, whether known or unknown, whether asserted or not asserted, whether contingent or liquidated, which one party may have against the other. This stipulation shall not bar nor affect the rights of the parties to assert or recover on any other claims.

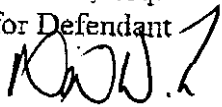
Dated: New York, New York

July 27, 2005

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Attorney for Plaintiffs

  
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RECORDED

ALLYNE R. ROSS U.S.D.J.